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4 IN THE UNITED STATES DISTRICT COURT  
5 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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8 MATTHEW C. MOORE,

9 Plaintiff,

CV F 05 0304 AWI WMW P

10  
11 vs.

ORDER RE: FINDINGS &  
RECOMMENDATIONS (#14)

12 KINGS CO. SHERIFF'S DEPT., et al.,  
13

14 Defendants.  
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17 Plaintiff is a state prisoner proceeding pro se in this civil rights action. The matter  
18 was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local  
19 Rule 72-302.

20 On November 22, 2005 [findings and recommendations](#) were entered,  
21 recommending dismissal of this action for failure to state a claim upon which relief can be  
22 granted. Plaintiff was provided an opportunity to file objections within thirty days. Plaintiff  
23 has failed to file objections to the findings and recommendations.

24 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule  
25 73-305, this court has conducted a de novo review of this case. Having carefully reviewed the  
26 entire file, the court finds the findings and recommendations to be supported by the record and

proper analysis. The allegations of verbal harassment alleged in the complaint are not sufficient to state a violation of Plaintiff's constitutional rights. Oltarzewski v. Ruggiero, 830 F.2d 136, 139 (9th Cir. 1987). In addition, the complaint appears to concern Defendants' actions toward another person. In general, constitutional rights are personal in nature and cannot be asserted by another person. L.A. Police Dep't v. United Reporting Publ'g Corp., 528 U.S. 32, 39 (1999).

Accordingly, THE COURT HEREBY ORDERS that:

1. The Findings and Recommendations issued by the Magistrate Judge on November 22, 2005, are adopted in full; and
2. This action is dismissed for failure to state a claim upon which relief can be granted. The Clerk is directed to close this case.

IT IS SO ORDERED.

**Dated: March 21, 2006**  
0m8i78

**/s/ Anthony W. Ishii**  
UNITED STATES DISTRICT JUDGE